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Federal Agencies

February 16, 2005

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Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Art Unit 1644

Re: U.S. Utility Patent Application
Application No. 09/458,299; Filed: December 10, 1999
For: **Inducing Cellular Immune Responses to HER2/neu Using Peptide and Nucleic Acid Compositions**
Inventors: **FIKES et al.**
Our Ref: 2060.0140000/HCC/J-H

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Letter;
2. Declaration for Patent Application; and
3. One (1) return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

Commissioner for Patents
February 16, 2005
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The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Eric K. Steffe
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EKS/J-H/tis

365255v1



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

FIKES *et. al.*

Application No.: 09/458,299

Filed: December 10, 1999

**For: Inducing Cellular Immune Responses
to HER2/neu Using Peptide and
Nucleic Acid Compositions**

Confirmation No.: 8698

Art Unit: 1644

Examiner: Dibrino, Marianne

Atty. Docket: 2060.0140000/EKS/J-H

Letter

Art Unit 1644

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants submit herewith a declaration executed by inventors Alessandro Sette, John Sidney, Scott Southwood and Elissa Keogh. This submission is in response to the Examiner's objection to the declaration in the Office Action dated June 22, 2004 (Paper No. 061004).

In an Amendment and Reply Under § 1.111, filed December 22, 2004, Applicants stated that a declaration executed by all of the inventors was not possible prior to the filing of the Amendment and Reply, but would be forwarded when available. Applicants believe that the Examiner's objection is now moot with the submission of the declaration filed herewith.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

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Date: 2/16/05

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